

## **REMARKS**

### **I. OVERVIEW**

Applicant has reviewed and considered the Office Action mailed December 26, 2007. Claims 11-16 are herein canceled without prejudice or disclaimer. Applicant reserves the right to file one or more continuing or divisional applications to the canceled subject matter. Upon entry of this amendment, claims 1-10 are pending in the present application. In light of the remarks that follow, Applicant respectfully submits that the application is in form for allowance.

### **II. 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION**

Claim 16 stands rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the written description requirement. The Examiner states that claim 16 contains new matter.

While not acquiescing to the Examiner's argument, Applicant has canceled claim 16 to expedite prosecution, rendering this rejection moot. Therefore, Applicant submits that the claims are in proper form for allowance and respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

### **III. DOUBLE PATENTING REJECTION**

Claims 1-10 and 15-16 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 14 of U.S. Patent No. 5,792,935 ('935) issued August 11, 1998. The Examiner states that because a species anticipates a genus, claim 14 of U.S. patent no. 5,792,935 anticipates claims 1 and 3 of the present application.

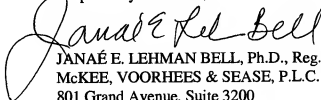
As an initial matter, claims 15-16 have been canceled. While not acquiescing to the Examiner's argument, Applicant is herein submitting a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c), which disclaims any term of a patent issuing from this application which would extend beyond the term of copending U.S. Patent No. 5,792,935. Therefore, Applicant submits that the claims are in proper form for allowance and respectfully requests reconsideration and withdrawal of the obviousness-type double patenting rejection.

#### IV. CONCLUSION

In the event that there are any questions relating to this amendment, Applicant invites the Examiner to call the undersigned attorney so that prosecution can be expedited.

Please charge Deposit Account No. 26-0084 per the attached Terminal Disclaimer. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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Enclosure: Terminal Disclaimer